

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of</p> <p>Chen et al.</p> <p>Serial No.: Not yet assigned</p> <p>Filed: Herewith</p> <p>For: <i>IL-17 Homologous Polypeptides and Therapeutic Uses Thereof</i></p>	<p>Group Art Unit: Not yet assigned</p> <p>Examiner: Not yet assigned</p> <p>Express Mail No.: EL 599 584 768 US Filed on: May 10, 2001</p>
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PRELIMINARY AMENDMENT

BOX: PATENT APPLICATION
Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Prior to the examination of this application on its merits, please amend the application as follows:

In the Claims:

Please cancel Claims 1-42, with out prejudice or disclaimer.

Please add the following claims:

- 43. (New) An isolated nucleic acid molecule which comprises DNA having at least 87% nucleic acid sequence identity to:
- (a) a nucleotide sequence that encodes a polypeptide consisting of amino acid residues 1 to 180 of the amino acid sequence shown as SEQ ID NO:1,
 - (b) a nucleotide sequence that encodes a polypeptide consisting of amino acid residues 21 to

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180 of the amino acid sequence shown as SEQ ID NO:1,

(c) a nucleotide sequence from position 42 to 581 of the nucleic acid sequence shown as SEQ ID NO:2,

(d) the nucleotide sequence from position 102 to 581 of the nucleic acid sequence shown as SEQ ID NO:2,

(e) the full-length coding sequence of the cDNA deposited under ATCC accession number 209866, or

(f) the full-length coding sequence of the cDNA deposited under ATCC accession number 209866 lacking its associated signal peptide encoding region; wherein said isolated nucleic acid molecule encodes a polypeptide capable of stimulating TNF- α production in THP-1 cells.

44. (New) The isolated nucleic acid molecule of Claim 43 which comprises DNA encoding
a
polypeptide consisting of amino acid residues 1 to 180 of the amino acid sequence shown as SEQ ID NO:1.

45. (New) The isolated nucleic acid molecule of Claim 43 which comprises DNA encoding
a
polypeptide consisting of amino acid residues 21 to 180 of the amino acid sequence shown as SEQ ID NO:1.

46. (New) The isolated nucleic acid molecule of Claim 43 which comprises the nucleotide
sequence
from position 42 to 581 of the nucleic acid sequence shown as SEQ ID NO:2.

47. (New) The isolated nucleic acid molecule of Claim 43 which comprises the nucleotide
sequence
from position 102 to 581 of the nucleic acid sequence shown as SEQ ID NO:2.

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48. (New) The isolated nucleic acid molecule of Claim 43 which comprises the full-length coding

sequence of the cDNA deposited under ATCC accession number 209866.

49. (New) The isolated nucleic acid molecule of Claim 43 which comprises the full-length coding

sequence of the cDNA deposited under ATCC accession number 209866 lacking its associated signal peptide encoding region.

50. (New) An isolated nucleic acid molecule which comprises DNA having at least 80% nucleic acid

sequence identity to:

(a) a nucleotide sequence that encodes a polypeptide consisting of amino acid residues 1 to 197 of the amino acid sequence shown as SEQ ID NO:3,

(b) a nucleotide sequence that encodes a polypeptide consisting of amino acid residues 19 to 197 of the amino acid sequence shown as SEQ ID NO:3,

(c) the nucleotide sequence from position 50 to 640 of the nucleic acid sequence shown as SEQ ID NO:4,

(d) the nucleotide sequence from position 104 to 640 of the nucleic acid sequence shown as SEQ ID NO:4,

(e) the full-length coding sequence of the cDNA deposited under ATCC accession number 203552, or

(f) the full-length coding sequence of the cDNA deposited under ATCC accession number 203552 lacking its associated signal peptide encoding region; wherein said isolated nucleic acid molecule encodes a polypeptide capable of stimulating TNF- α production in THP-1 cells.

51. (New) The isolated nucleic acid molecule of Claim 50 which comprises DNA encoding a

polypeptide consisting of amino acid residues 1 to 197 of the amino acid sequence shown as SEQ ID NO:3.

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52. (New) The isolated nucleic acid molecule of Claim 50 which comprises DNA encoding
a

polypeptide consisting of amino acid residues 19 to 197 of the amino acid sequence shown as
SEQ ID NO:3.

53. (New) The isolated nucleic acid molecule of Claim 50 which comprises the nucleotide
sequence

from position 50 to 640 of the nucleic acid sequence shown as SEQ ID NO:4.

54. (New) The isolated nucleic acid molecule of Claim 50 which comprises the nucleotide
sequence

from position 104 to 640 of the nucleic acid sequence shown as SEQ ID NO:4.

55. (New) The isolated nucleic acid molecule of Claim 50 which comprises the full-length
coding

sequence of the cDNA deposited under ATCC accession number 203522.

56. (New) The isolated nucleic acid molecule of Claim 50 which comprises the full-length
coding

sequence of the cDNA deposited under ATCC accession number 203522 lacking its associated
signal peptide encoding region.

57. (New) A vector comprising the isolated nucleic acid molecule of any one of Claims 43
or 50.

58. (New) A host cell comprising the vector of Claim 57.

59. (New) The host cell of Claim 58 which is a CHO cell, and *E. coli*, a yeast cell or a
Baculovirus-

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infected insect cell.

60. (New) A process for producing a polypeptide comprising culturing the host cell of Claim 58 under conditions suitable for expression of said polypeptide and recovering said polypeptide from the cell culture.--

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

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REMARKS

Applicants have herein amended the claims by cancelling Claims 1-42 and adding new Claims 43-60, thereby leaving Claims 43-60 pending for prosecution. Applicants respectfully request entry of the newly added Claims 43 to 60, wherein support for these new claims can be found in the originally filed claims as well as in the specification as follows: page 3, lines 21-38; page 4, lines 1 to 9, and 24 to 38; page 5, lines 1 to 7 and 28 to 38; page 6, lines 1 to 11; page 7, lines 9 to 38; page 8, lines 1 to 29; page 9, lines 30 to 34; page 17, lines 9 to 34; page 18, lines 1 to 27; page 27, lines 28 to 34; page 28, lines 1 to 34; page 29, lines 1 to 5, page 49, lines 10 to 16; pages 72-73, EXAMPLE 1; pages 73-75, EXAMPLE 2; and pages 82-83, EXAMPLE 10.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 1 to 42 have been cancelled.
New Claims 43 to 60 have been added.